

ORIGINAL

LAW OFFICES

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February 13, 1997

RECEIVED

FEB 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**VIA HAND DELIVERY**

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

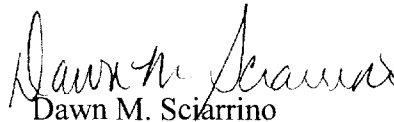
Re: Amendment of Section 73.202(b),  
MM Docket 96-260  
Table of Allotment (Mankato, MN)

Dear Mr. Caton:

Transmitted herewith on behalf of James Ingstad Broadcasting, Inc., the licensee of KYSM(AM/FM) are the original and four (4) copies of his Comments and Counter Proposal in the above referenced Rulemaking.

If you have any questions regarding this matter, please contact the undersigned.

Sincerely,

  
Dawn M. Sciarrino

DMS/am

enclosure

No. of Copies rec'd  
List ABCDE

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C.

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FEB 18 1997

In the Matter of	)	
Amendment of Section 73.202(b),	)	MM Docket 96-260
Table of Allotments	)	RM-8965
FM Broadcast Stations	)	
(Mankato, Minnesota)	)	

To: Chief, Allocations Branch

**COMMENTS AND COUNTER PROPOSAL**

James D. Ingstad ("Ingstad"), by his attorneys and pursuant to Sections 1.401, 1.415 and 1.420 of the Commission's Rules (47 CFR §§ 1.401, 1.415, 1.420), hereby submits his comments and counter proposal to the above-referenced Notice of Proposed Rulemaking.<sup>1/</sup> Ingstad herein requests that the Commission allot Channel 231A to Madelia, Minnesota in lieu of Mankato, Minnesota. In support hereof the following is stated:

Mid-Minnesota Broadcasting Company ("Mid-Minnesota") filed a Petition for Rulemaking proposing the allotment of Channel 231A to Mankato, Minnesota.<sup>2/</sup> As noted in

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<sup>1/</sup> *Notice of Proposed Rulemaking*, MM Docket 96-260, DA 96-2127, (hereinafter "NRPM") released December 27, 1996.

<sup>2/</sup> Ingstad requests that the Commission dismiss the Petition for Rulemaking filed by Mid-Minnesota as procedurally defective. The technical consultant, Abdolmjid Khalilzadeh, who signed the Petition is not a principal of Mid-Minnesota. See Ownership Report of Mid-Minnesota Broadcasting Company, licensee of KLFD(AM), Litchfield, Minnesota, dated November 25, 1996, attached hereto as Exhibit 1. The Petition was not signed by an officer of the Petitioner or its counsel. Thus, it should be dismissed pursuant to Section 1.52 of the Commission's Rules (47 CFR §1.52).

the NRPM at ¶3, allotment of Channel 231A to Mankato would provide the community with its third local FM broadcast service. Mankato is well served with two existing local FM broadcast stations, including one owned and operated by Ingstad.<sup>3/</sup> Additionally, Mankato has two local AM Stations, KTOE(AM) and KYSM(AM). *BIA's Radio Yearbook 1996*, 2nd Printing April 1996, page 453. In contrast, Madelia has no local broadcast stations. Allocation Statement of John R. Furr, attached hereto as Exhibit 2 ("Allocation Statement") at ¶ 6. Allotment of Channel 231A to Madelia will provide this community of 2,237 people with its first local service. *1997 Rand McNally Road Atlas*; Allocation Statement at ¶ 6. The Commission's allocation priorities favor the provision of a first local FM service to the provision of a third FM service. The "fair, efficient and equitable distribution of radio services," Section 307(b) of the Communications Act of 1934, as amended, is better served by the allocation of Channel 231A to Madelia, Minnesota. *Revision of FM Assignment Policies and Procedures, Second Report and Order*, 90 FCC 2d 88 (1982).

As demonstrated in the Allocation Statement, the allotment of Channel 231A to Madelia complies with the Commission's minimum distance requirements, Section 73.207 of the Commission's Rules. Allocation Statement at ¶ 2. The allotment also provides city-grade coverage to the community of Madelia in compliance with Section 73.315(a) and (b). Allocation Statement at ¶ 3.

Ingstad intends to apply for the Channel if allotted. If authorized, Ingstad intends to promptly build and operate the station.

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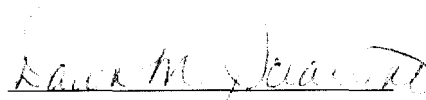
<sup>3/</sup> James D. Ingstad is the sole shareholder, President, and Director of Ingstad Mankato, Inc., the licensee of KYSM(AM/FM), Mankato, Minnesota.

Therefore, Ingstad respectfully requests that the Commission adopt this Counter Proposal and allot Channel 231A to Madelia, Minnesota in lieu of Mankato, Minnesota.

Respectfully Submitted,

James D. Ingstad

By:



Dawn M. Sciarrino

David D. Oxenford

Fisher Wayland Cooper Leader  
& Zaragoza L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006-1851  
(202) 659-3494

His Attorneys

February 18, 1997

# Exhibit 1

## Mid-Minnesota Ownership Report

Approved by C-4B  
3060-0010  
Expires 06/30/95

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FOR  
FCC  
USE  
ONLY

8460  
FCC/MELION DEC 02 1996

FCC 323

OWNERSHIP REPORT

SECTION I - FEE INFORMATION (For Annual Ownership Report Filers Only)

1. LICENSEE NAME Mid-Minnesota Broadcastin Co.				
MAILING ADDRESS (Line 1) (Maximum 35 characters) 234 NORTH Sibley Avenue				
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)				
CITY Litchfield		STATE OR COUNTRY (if foreign address) MN	ZIP CODE 55355	
TELEPHONE NUMBER (include area code) 320-693-3281		CALL LETTERS KLFD		
FOR MAILING THIS REPORT, SEE GENERAL INSTRUCTION 2.				
2. A. Is a fee submitted with this application? .....			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
B. If No, explain: _____; and go to Section II.				
C. If Yes, provide the following information:				
Enter in Column (A) the correct Fee Type Code for the services covered by this report. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).				
(1)	(A) FEE TYPE CODE M A R	(B) FEE MULTIPLE (if required) /	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A) \$ 45	FOR FCC USE ONLY
(2)	(A) [ ] [ ] [ ]	(B) [ ] [ ] [ ] [ ]	(C) \$ [ ] [ ] [ ] [ ]	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$ 45	FOR FCC USE ONLY 45.00

15517  
FURTHER INFORMATION (for all filers)

date as of 11/25/1996  
ation must be current within 60 days of the filing of this report,

nel

1(a) ☒ Annual

Transfer of Control or  
Assignment of License

1(c) ☐ Other

for the following stations:

Call Letters	Location	Class of service
KLFD	234 N.SIBLEY AVE. LITCHFIELD MN. 55355	AM

**SECTION II - Ownership Information (continued)**

2. Name of Licensee or Permittee  <b>MID MINNESOTA BROADCASTIN CO.</b>		
Mailing Address <b>234 NORTH SIBLEY</b>		
City <b>LITCHFIELD</b>	State <b>MN</b>	ZIP Code <b>55355</b>

3. Name of entity, if other than licensee or permittee, for which report is filed (see instruction 3):		
Mailing Address		
City	State	ZIP Code

4. Respondent is:

- ☐ Sole proprietorship
 ☐ Not-for-profit corporation
 ☐ Limited partnership  
☒ For-profit corporation
 ☐ General partnership
 ☐ Other:

If a limited partnership, is certification statement included as in instruction 2?

☐ Yes ☐ No

5. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (see instruction 3):

6. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

7. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
<b>ARTICLES OF INCORPORATION BYLAWS</b>		<b>6/18/91</b>	

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
<b>COMMON</b>	<b>VOTING</b>	<b>1,000,000</b>	<b>1,000</b>		<b>999,000</b>

Remarks concerning family relationships, attribution exemptions and certifications: (See Instructions 2, 5 and 6)

# SECTION II - Ownership Information (continued)

2. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See Instructions 2, 5 and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interest.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.

	(a)	(b)	(c)
1	ROBERT W. GREENHOW JR. 24332 CSAH 1 LITCHFIELD.MN 55355	STEPHEN M. NEIGHBORS 702 NORTH HOLCOMBE LITCHFIELD, MN.	
2	U.S.	U.S.	
3	CEO/PRESIDENT	VICE PRESIDENT	
4	600	400	
5	600	400	
6	60%	40%	
7	NONE	none	
8	NONE	NONE	



SECTION III - CERTIFICATION

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am CEO/PRESIDENT

*(Official title, see instruction 1)*

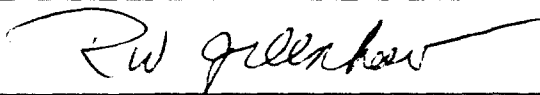
of MID MINNESOTA BROADCASTIN CO.

*(Exact legal title or name of respondent)*

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

*(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date):*

Signature



Date

11/25/96

Telephone number of respondent (include area code)

320-693-3281

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT OF 1980

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the report may be returned without action pursuant to the Commission's rules. Your response is required to retain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974,  
5 U.S.C. 552a (e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Public reporting burden for this collection of information is estimated to average 7.166 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0010), Washington, DC 20503.


12-03-96 0358180 8180149 1 015 20



Mellon  
Bank

MID-MINNESOTA BROADCASTING CO., INC. 75-199/919  
KLFD AM 1410 1042937 8460 1/6  
234 N. SIBLEY AVE.  
LITCHFIELD, MN 55355 DATE 11-23-96

PAY TO THE ORDER OF FCC \$ 45.00  
Forty Five Dollars 45/100

 Center National Bank  
LITCHFIELD, MN 55355

MEMO Disbursement Report RW Green

⑆091901891⑆ ⑆042937⑆ 8460 ⑆0000004500⑆

Exhibit 2  
Allocation Statement of John R. Furr

## ALLOCATION STATEMENT

This statement is prepared on behalf of Jim Ingstad who makes this petition for Rulemaking which requests a counter proposal for an amendment of the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules. In the matter of MM Docket No 96-260, Mid-Minnesota Broadcasting Co. proposes an allotment of Channel 231A to Mankato, Minnesota. The request of Ingstad is to alternately allot Channel 231A to Madelia, Watonwan County, Minnesota as first service. This statement discusses the technical factors involved in the above change.

1. The reference coordinates for this Madelia, Minnesota proposal are:

Latitude 44°03'16" North, Longitude 94°17'52" West

2. As can be seen from the attached Exhibit A, Class A operation from this site will comply with all separation requirements as set forth in §73.207 of the FCC Rules.

3. The coordinates of the reference site are located within the city limits of Madelia. From this site the entire city will be served with the 70 dBu contour as required by §73.315(a) and (b) as shown in Exhibit B.

4. The site proposed herein is 488 km to the nearest point of the US-Canadian border and therefore coordination will not be required with Canada.

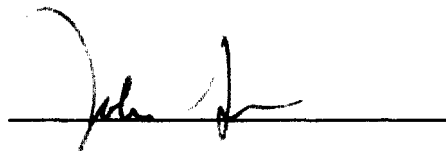
5. The population served will be 63,950 persons within the 60 dBu (1 mV/m) contour having an area of 2,516 square kilometers.

6. Madelia has no other broadcast services, so this proposal is for a first local service. The population of the city is 2,237 persons in 923 households. Watonwan County has 11,682 persons.

I, John R. Furr, am a Communications Consultant, and represent Walker. My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

January 10, 1997

210-828-4555



John R. Furr  
8620 N. New Braunfels, Suite 320  
San Antonio, TX 78217

01-08-1997

John Furr &amp; Associates Inc.

PAGE 1

FM Study for: MADELIA

FCC Database Date: 1/97

44-03-16

Location: MADELIA, MN

Channel Class: A

94-17-52

Call City, State

Chan Class Freq kW Latitude Dist.

Required

Status Proponent

File Number HAAT Longitude Azm. Clear (km)

&gt;&gt;&gt;&gt;&gt;&gt;&gt; Study For Channel 231 94.1 MHz &lt;&lt;&lt;&lt;&lt;&lt;&lt;&lt;

ALLOC	MANKATO, MN	231 A	94.1		44-10-12	26.6	115	
ADD	MID-MINNESOTA BROADCAST	Docket-96-260	0		94-00-24	61.0	-88.4	SHORT
	Use of 73.215 for short spacing requires:					92	-65.4	SHORT
KDOMFM	WINDOM, MN	232 A	94.3	5.7	43-53-06	73.43	72	
LIC	WINDOM RADIO, INC.	BLH-920130KB	102		95-10-56	255.5	+1.43	CLOSE
KYRS	ATWATER, MN	231 A	94.1	3.00	45-04-24	118.9	115	
LIC	KYRS FM, INC.	BLH-881208KC	100		94-45-20	342.4	+3.9	CLOSE
KIAI	MASON CITY, IA	230 C1	93.9	100.	43-10-04	138.0	133	
LIC	JAMES INGSTAD BROADCAST	BLH-911024KD	241		93-06-05	135.2	+5.0	CLOSE
KNSG	SPRINGFIELD, MN	234 C2	94.7	50.	44-21-54	89.0	55	
LIC	JAMES INGSTAD BROADCAST	BLH-950711KD	144		95-19-27	293.2	+34.0	CLEAR

**JF&A**  
 COMMUNICATIONS  
 CONSULTANTS

ALLOCATION STUDY

JIM INGSTAD  
 MADELIA, MN  
 EXHIBIT A



**CERTIFICATE OF SERVICE**

I, Malena Ashwell, do hereby certify that I have this day of Tuesday, February 18, 1997, mailed by first-class United States mail, postage prepaid, copies of the foregoing "Comments and Counter Proposal" in the matter of Amendment of Section 73.202(b), Table of Allotments (Mankato, MN), MM Docket 96-260 to the following:

John A. Karousos\*  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commissions  
2000 M Street N.W. Room 554  
Washington, D.C. 20554

Abdolmjid Khalilzadeh  
Philip A. Rubin & Associates, Inc.  
1350 Connecticut Avenue, N.W.  
Suite 610  
Washington, D.C. 20036

  
Malena Ashwell

**(\*Hand Delivery)**